

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

OCT - 4 2019

David J. Bradley, Clerk

United States of America
v.
Edgardo Tamez
YOB: 1972 Citizenship: Mexico

Case No. 11-19-2387-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 3, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: one (1) .223 caliber rifle, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.

Approved AUSA *Mike Mtl*
10-4-19

R/M
Complainant's signature

Ryan McTaggart Special Agent HSI
Printed name and title

Sworn to before me and signed in my presence.

Date:

October 8, 2019 9:47 am

Peter E. Ormsby
Judge's signature

City and state: McAllen, Texas

Peter E. Ormsby United States Magistrate Judge
Printed name and title

Attachment "A"

On September 22, 2019, Homeland Security Investigations (HSI) Special Agents (SA), received information that Edgardo TAMEZ (hereafter referred to as TAMEZ) intended to purchase a rifle for illegal export to Mexico. The sale was denied, however SAs received information that TAMEZ intended to have the rifle purchased by Jose RODRIGUEZ-Garcia (hereafter referred to as RODRIGUEZ-Garcia).

On October 2, 2019, HSI SAs and HSI TFOs conducted surveillance of a Federal Firearms Licensee (FFL) in McAllen, Texas, and observed RODRIGUEZ-Garcia exit the FFL carrying a rifle.

A short time later, a marked Hidalgo County Sheriff's Office (HCSO) unit, after observing a motor vehicle violation, initiated a traffic stop on the vehicle RODRIGUEZ-Garcia was driving.

During the traffic stop, RODRIGUEZ-Garcia advised HCSO deputies that RODRIGUEZ-Garcia had a firearm inside of the vehicle and then HSI SAs made contact with RODRIGUEZ-Garcia.

SAs advised RODRIGUEZ-Garcia that SAs had information that RODRIGUEZ-Garcia was involved in firearms trafficking and asked RODRIGUEZ-Garcia if RODRIGUEZ-Garcia would be willing to speak with SAs at the HSI McAllen office to discuss this information. RODRIGUEZ-Garcia agreed.

At the HSI McAllen Office, under rights advisement and waiver, stated RODRIGUEZ-Garcia stated RODRIGUEZ-Garcia had been recruited by TAMEZ to purchase a firearm which was intended to be smuggled into Mexico and RODRIGUEZ-Garcia knew it was illegal to smuggle firearms into Mexico.

On October 3, 2019, TAMEZ meet with RODRIGUEZ-Garcia, to take possession of the firearm, and both TAMEZ and RODRIGUEZ were taken into custody by SAs.

On October 3, 2019, under rights advisement and waiver, ^{RPM}~~stated~~ TAMEZ stated TAMEZ recruited RODRIGUEZ-Garcia to purchase the rifle and provided RODRIGUEZ-Garcia with the money to purchase the firearm.

On October 3, 2019, under rights advisement and waiver, RODRIGUEZ-Garcia stated during the October 3, 2019, meeting between RODRIGUEZ-Garcia and TAMEZ, when TAMEZ was supposed to take possession of the rifle, RODRIGUEZ-Garcia asked TAMEZ if RODRIGUEZ-Garcia needed to be worried about the firearm being taken to Mexico and TAMEZ stated RODRIGUEZ-Garcia did not need to worry because TAMEZ had already taken multiple rifles to Mexico.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), a .223 caliber rifle is determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).